

## United States Patent and Trademark Office



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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,176 09/17/2003		John L. White	P214414	8586	
30662	7590	01/11/2005		EXAMINER	
SCHACHT	LAW O	FFICE, INC.	TRUONG, THANH K		
SUITE 202 2801 MERI	DIAN STI	REET	ART UNIT	PAPER NUMBER	
		98225-2412	3721		

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary    The MAILING DATE of this communication appears on the cover sheet with the correspondence address   Period for Reply	Α	Application No.	Applicant(s)						
Thanh K Truong 3721  Thanh K Truong 3721  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.13(q). In no event, however, may a reply be timely filed after 5tk (6) MONTHS from the mailing date of this communication.  If the period for reply is specified above, the maximum statutory period will apply see will expire 5 be considered finely.  If MO period for reply is specified above, the maximum statutory period will apply see will apply an expension of the provision of the provision of the provision of the provision of the maximum statutory period will apply see will apply a see will be considered finely.  If MO period for reply is specified above, the maximum statutory period will apply see will apply a see will be considered finely.  If the period for reply is specified above, the maximum statutory period will apply see will be considered finely.  If the period for reply is specified above, the maximum statutory minimum of thing (20) days will be considered finely.  If the period for reply is specified above, the maximum statutory minimum of thing (20) days will be considered finely.  If the period for reply is specified above, the maximum statutory minimum of thing (20) days will be considered finely.  Any reply received by the Office above time of the provision of the statutory minimum of thing (20) days will be considered finely.  If the period for reply specified above, the maximum statutory minimum of thing (20) days will be considered finely.  Application Finel Time application (20) application for finely filed on filed fi		10/667,176	WHITE, JOHN L.						
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPR 1.13(a). In no event, however, may a reply be timely filed after 51% (b) (MONTHS from the mailing date of this communication.  If the period for reply specified above is less than finity (30) days, a reply within the statutory minimum of thin; (30) days will be considered finely.  If the period for reply specified above is less than finity (30) days, a reply within the statutory minimum of thin; (30) days will be considered finely.  If the period for reply specified above is less than finity (30) days, a reply within the statutory printinum of thin; (30) days will be considered finely.  If the period for reply specified above is less than finity (30) days, a reply within the statutory minimum of thin; (30) days will be considered finely.  If the period for reply specified above is less than finity (30) days, and the statutory minimum of thin; (30) days will be considered finely.  If the period for reply specified above is less than finity (30) days will be considered finely.  Failure to reply with the search or reply will, by statute, cause the application to between ABANDONED (35 U.S. £ 133).  Any reply received by the Officio later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1)	тт	hanh K Truong	3721						
THE MAILING DATE OF THIS COMMUNICATION.  Estensions of time may be variable under the provisions of 3 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) NONTHS from the mailing date of this communication.  If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply with grain advantage, and a set of the provision of the communication.  Failure to reply within the set or extended period for reply with grains.  Any reduce any extended the set of the provision of the period will apply and will be provided the provision of t		rs on the cover sheet with the co	orrespondence address						
1) Responsive to communication(s) filed on 17 September 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-21 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some col None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in Application No	E MAILING DATE OF THIS COMMUNICATION.  Itensions of time may be available under the provisions of 37 CFR 1.136(a ter SIX (6) MONTHS from the mailing date of this communication.  Ithe period for reply specified above is less than thirty (30) days, a reply wit  NO period for reply is specified above, the maximum statutory period will a  illure to reply within the set or extended period for reply will, by statute, ca  try reply received by the Office later than three months after the mailing dat	a). In no event, however, may a reply be time thin the statutory minimum of thirty (30) days apply and will expire SIX (6) MONTHS from to use the application to become ABANDONED	ely filed  will be considered timely. he mailing date of this communication. 0 (35 U.S.C. § 133).						
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Attachment(s)	ent(s)								
Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)									
Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date	ormation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal Pa							

Application/Control Number: 10/667,176

Art Unit: 3721

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurylko (4,497,376).

Kurylko discloses a method and an apparatus comprising:

a housing member 12 defining a housing chamber and a vent port 26;

a ram member 14 supported within the housing chamber for movement relative to the housing member between an upper position and a lower position; and

a helmet member 18 supported by the housing member for movement relative to the housing member between a rest position and an impact position; whereby

as the ram member 14 falls from the upper position to a preload position between the lower and upper positions, fluid exits the housing chamber through the vent pod 26;

when the ram member falls below the preload position, fluid within a preload chamber portion of the housing chamber compresses as the ram member moves into the lower position (column 3, lines 43-47); and

when the ram member moves into the lower position, the impact of the ram member on the helmet member drives the pile (column 3, lines 48-50).

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Kurylko further discloses: while the ram member is above a preload position, allowing fluid to flow out of a preload chamber portion of the housing chamber defined by the housing member (column 3, lines 56-58); vent port allows ambient air to flow into the housing chamber (intake-exhaust port 26 – column 3, lines 14-15); seal system for sealing the preload chamber portion of the housing chamber when the ram member is below the preload position (figures 1A-1E show sealing rings on member 16 as well as member 18 to keep the chamber of cylinder 12 air tide); a lifting system for moving the ram member from the lower position to the upper position (column 1, lines 12-14); and clamp assembly 24 for securing the helmet member 18 to the pile P.

## Conclusion

- 3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt December 29, 2004.

Rinaldi I. Rade Supervisory Patent Exame - - -Group 3700